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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CHAD M. SAUVE,

11 Plaintiff,

12 v.

13 CITY OF SNOQUALMIE,

14 Defendant.

CASE NO. C24-1809JLR

ORDER

15 Before the court are *pro se* Plaintiff Chad M. Sauve's (1) response to the court's
16 order to show cause why this action should not be dismissed for failure to serve
17 Defendant City of Snoqualmie (OSC (Dkt. # 7); Resp. (Dkt. # 8)), and (2) motion for
18 leave to file an amended complaint (Mot. (Dkt. # 9)). The court has considered Mr.
19 Sauve's submissions, the relevant portions of the record, and the applicable law. Being
20 fully advised, the court DIRECTS Mr. Sauve to serve Defendant by **April 9, 2025**, and
21 GRANTS Mr. Sauve's motion to file a first amended complaint.
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I. ANALYSIS

The court first addresses Mr. Sauve’s response to the court’s order to show cause, and then addresses Mr. Sauve’s motion for leave to file a first amended complaint.

A. Order to Show Cause Response

On October 25, 2024, Mr. Sauve initiated this action against Defendant. Under Federal Rule of Civil Procedure 4(m), the court “must dismiss the action without prejudice . . . or order that service be made within a specified time” “[i]f a defendant is not served within 90 days after the complaint is filed.” Fed. R. Civ. P. 4(m). However, “if the plaintiff shows good cause for the failure [to effectuate service], the court must extend the time for service for an appropriate period.” *Id.* “Courts apply a liberal and flexible construction of the service rules, particularly where a pro se plaintiff is involved.” *Clark v. Washington State Dep’t of Health*, 735 F. Supp. 3d 1334, 1349 (W.D. Wash. 2024). Accordingly, even absent a showing of good cause, a district court may utilize its “broad” discretion to extend the time for service under Rule 4(m). *In re Sheehan*, 253 F.3d 507, 513 (9th Cir. 2001).

In this case, the 90-day period mandated by Rule 4(m) expired on January 23, 2025. Defendant has not been served with process. (*See generally* Dkt.) On February 19, 2025, the court ordered Mr. Sauve to show cause why this action should not be dismissed without prejudice for his failure to serve Defendant in accordance with Rule 4(m). (*See* OSC.) Mr. Sauve timely filed a response. (*See* Resp.)

In his response, Mr. Sauve requests an extension of time until April 9, 2025 to serve process on Defendant. (*Id.* at 1.) He asserts that he has “faced a cascade of

1 unforeseen and debilitating challenges that thwarted his ability to meet the service
2 deadline[,]” including: (1) “a sudden and destabilizing employment dispute, culminating
3 in the loss of his job” in late 2024; and (2) his mother’s sudden illness necessitating a
4 two-week stay in the intensive care unit in early 2025. (*Id.*) Mr. Sauve also states that he
5 has continued to search for counsel to no avail, but that he “stands ready to complete
6 service promptly within the requested extension period.” (*Id.* at 2.) The court finds that
7 an extension of time to permit Mr. Sauve to serve Defendant is warranted in light of the
8 circumstances.

9 **B. Motion for Leave to File a First Amended Complaint**

10 Mr. Sauve also seeks leave to file a first amended complaint. (*See generally* Mot.)
11 Mr. Sauve asserts that the proposed amended complaint “streamlin[es] the factual
12 narrative[,]” “remov[es] tangential public health arguments and focus[es] exclusively on
13 viable claims” under Title VII of the Civil Rights Act of 1964 and the Washington Law
14 Against Discrimination; and “[a]llleg[es] specific instances of unequal treatment and
15 [Defendant’s] failure to engage in a meaningful interactive process[.]” (Mot. at 2-3.)

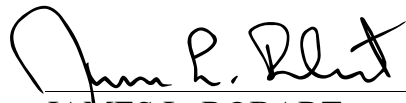
16 Under Federal Rule of Civil Procedure 15(a)(1)(B), “[a] party may amend its
17 pleading once as a matter of course” within 21 days after service of a responsive
18 pleading. Fed. R. Civ. P. 15(a)(1)(B). *See Ramirez v. Cty. of San Bernardino*, 806 F.3d
19 1002, 1007-08 (9th Cir. 2015); *see also Shaver v. Operating Engr’s Local 428 Pension*
20 *Trust Fund*, 332 F.3d 1198, 1201 (9th Cir. 2003) (before a responsive pleading was filed
21 the plaintiffs “had an absolute right to amend their complaint”). As stated, Defendant has
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1 not been served with process in this case, and no responsive pleading has been filed. (*See*
2 *generally* Dkt.) Accordingly, Mr. Sauve is authorized to file a first amended complaint.

3 II. CONCLUSION

4 For the foregoing reasons, the court GRANTS Mr. Sauve's request for an
5 extension of the deadline to serve Defendant and motion for leave to amend his complaint
6 (Dkt. ## 8, 9). The court DIRECTS Mr. Sauve to file his first amended complaint on the
7 docket by **March 7, 2025**. Mr. Sauve is further DIRECTED to serve Defendant with
8 process by **April 9, 2025**.¹ The court warns Mr. Sauve that failure to properly serve
9 Defendant by this date will result in dismissal of this case without prejudice.

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11 Dated this 3rd day of March, 2025.

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13 JAMES L. ROBART
14 United States District Judge

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21 ¹ Mr. Sauve did not file the summons with his complaint. (*See* Dkt. Entry # 1). Instead,
22 he filed an electronic proposed summons form on January 28, 2025, as part of his "Affidavit of
Mailing of Summons and Complaint to Court Clerk on 1/28/25." (Aff. (Dkt. # 6).) The
summons has not been issued. (*See generally* Dkt.) The court recommends that Mr. Sauve
contact the Clerk's Office to identify deficiencies in the proposed summons he submitted, if any.